

COMBINED DECLARATION AND POWER OF ATTORNEY

As the below named inventor, I/we hereby declare that:

My residence, post office address and citizenship are as stated below next to my/our name(s), I/we believe I/we am/are an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: "**Encapsulated Multifunctional Biologically Active Food Component Process for its Production and its Use**", the specification of which is attached hereto.

I/We hereby state that I/we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I/We acknowledge the duty to disclose information which is material to patentability as defined in 37, Code of Federal Regulations, '1.56.

As a named inventor, I/we hereby appoint the following attorney Gregory. N. Clements registration no. 30,713, as well as Klaus Schweitzer with Limited Recognition under 37 CFR § 10.9(b) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith

Correspondence should be sent to:

ProPat, L.L.C.
6230 Fairview Road, Suite 400
Charlotte, NC 28210

Attention: Klaus Schweitzer

I/We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Martin Jager

Inventor's signature _____

Date:

Country of Citizenship: Germany

Residence: Am Bannzaun 11, D-67294 Gauersheim, Federal Republic of Germany

Post Office Address: Am Bannzaun 11, D-67294 Gauersheim, Federal Republic of Germany

Full name of first inventor: Bernd Haber

Inventor's signature _____

Date:

Country of Citizenship: Germany

Residence: Steubenstrasse 6, D-55126 Mainz, Federal Republic of Germany

Post Office Address: Steubenstrasse 6, D-55126 Mainz, Federal Republic of Germany

Full name of first inventor: Benno Kunz

Inventor's signature _____

Date:

Country of Citizenship: Germany

Residence: Lueftelberger Strasse 7, D-53307 Meckenheim, Federal Republic of Germany

Post Office Address: Lueftelberger Strasse 7, D-53307 Meckenheim, Federal Republic of Germany

Full name of first inventor: Stephanie Sträter

Inventor's signature _____

Date:

Country of Citizenship: Germany

Residence: Hasbacher Strasse 105 D-51503 Roesrath-Hasbach, Federal Republic of Germany

Post Office Address: Hasbacher Strasse 105 D-51503 Roesrath-Hasbach, Federal Republic of Germany

Full name of first inventor: Jenny Weissbrodt

Inventor's signature _____

Date:

Country of Citizenship: Germany

Residence: Auf dem Buehl 19, D-51674 Wiehl, Federal Republic of Germany

Post Office Address: Auf dem Buehl 19, D-51674 Wiehl, Federal Republic of Germany

Full name of first inventor: Hartmut Bollinger

Inventor's signature _____

Date:

Country of Citizenship: Germany

Residence: Buchenstrasse 10, D-73491 Neuler, Federal Republic of Germany

Post Office Address: Buchenstrasse 10, D-73491 Neuler, Federal Republic of Germany

Full name of first inventor: Hans-Georg Brendle

Inventor's signature _____

Date:

Country of Citizenship: Germany

Residence: Rostocker Strasse 3, D-73479 Ellwangen, Federal Republic of Germany

Post Office Address: Rostocker Strasse 3, D-73479 Ellwangen, Federal Republic of Germany

Full name of first inventor: Georg Bache

Inventor's signature _____

Date:

Country of Citizenship: Germany

Residence: Talstrasse 6, D-74424 Buehlertann, Federal Republic of Germany

Post Office Address: Talstrasse 6, D-74424 Buehlertann, Federal Republic of Germany

ASSIGNMENT

Docket No. 99/044 NUT

Serial No.

Filed:



WHEREAS, UNDERSIGNED

Martin Jager
Bernd Haber
Benno Kunz
Stephanie Sträter
Jenny Weissbrodt
Harmut Bollinger
Hans-Georg Brendle
Georg Bache

citizen(s) of the Federal Republic of Germany residing at

Am Bannzaun 11, D-67294 Gauersheim, Federal Republic of Germany
Steubenstrasse 6, D-55126 Mainz, Federal Republic of Germany
Lueftelberger Strasse 7, D-53307 Meckenheim, Federal Republic of Germany
Hasbacher Strasse 105 D-51503 Roesrath-Hasbach, Federal Republic of Germany
Auf dem Buehl 19, D-51674 Wiehl, Federal Republic of Germany
Buchenstrasse 10, D-73491 Neuler, Federal Republic of Germany
Rostocker Strasse 3, D-73479 Ellwangen, Federal Republic of Germany
Talstrasse 6, D-74424 Buehlertann, Federal Republic of Germany

has invented certain new and useful improvements (INVENTION) disclosed, shown, and described in an APPLICATION for Letters Patent of the United States entitled

**ENCAPSULATED MULTIFUNCTIONAL BIOLOGICALLY ACTIVE
FOOD COMPONENT PROCESS FOR ITS PRODUCTION AND ITS USE**

Docket No. 99/044 NUT, said APPLICATION being executed concurrently herewith, and

WHEREAS, by virtue of a pre-existing obligation of assignment, the UNDERSIGNED has (have) been under a continuous obligation since prior to the invention of the subject matter of the said APPLICATION to assign the said APPLICATION to NUTRINOVA NUTRITION SPECIALTIES & FOOD INGREDIENTS GmbH and J. RETTENMALER & SÖHNE GmbH & CO.

WHEREAS, NUTRINOVA NUTRITION SPECIALTIES & FOOD INGREDIENTS GmbH, a corporation organized and existing under the laws of the Federal Republic of Germany established at and having an office at Brueningstrasse 50, D-65929 Frankfurt am Main, Federal Republic of Germany and J. RETTENMALER & SÖHNE GmbH & CO, a corporation organized

INVENTION, in this and any foreign country, and in and to any Letters Patent of the United States or any foreign country which may be granted embracing the INVENTION.

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, UNDERSIGNED by these presents, sells, assigns and transfers unto ASSIGNEES, its legal representatives, successors, and assigns, the entire right, title and interest for the United States and all foreign countries, in and to the INVENTION, and in and to the said APPLICATION, and in and to any applications for Letters Patent which have been or may be filed in any foreign country on said INVENTION, and in and to any and all priority rights generated by the filing of said APPLICATION in the United States or any foreign country, which may be granted covering the INVENTION, including any continuations, substitutions, divisions, reissues, or renewals thereof, said Letters Patent whether of this country or any foreign country to be held and enjoyed by ASSIGNEES for its interest, for its own use and behalf, and for its legal representatives, successors, and assigns, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by UNDERSIGNED had this assignment and sale not been made.

THE UNDERSIGNED covenant(s) not to have executed and will not execute any agreement in conflict with this assignment.

IN WITNESS WHEREOF this assignment has been executed by UNDERSIGNED on the date opposite his name.

Date _____ (LS)

Martin Jager

Date _____ (LS)

Bernd Haber

Date _____ (LS)

Benno Kunz

Date _____ (LS)

Stephanie Sträter

Date _____ (LS)

Jenny Weissbrodt

Date _____ (LS)

Hartmut Bollinger

Date _____ (LS)

Hans-Georg Brendle

Federal Republic of Germany

On _____, before us as a witness in and for the country aforesaid, appeared

Martin Jager

to me personally known to be the same person(s) whose name(s) is (are) subscribed to the foregoing instrument, and acknowledged that he (they) executed said instrument as his (their) free and voluntary act, and for the uses and purposes therein expressed.

WITNESS my hand and seal the day and year last above given.

Witness 1

Witness 2

Federal Republic of Germany

On _____, before us as a witness in and for the country aforesaid, appeared

Bernd Haber

to me personally known to be the same person(s) whose name(s) is (are) subscribed to the foregoing instrument, and acknowledged that he (they) executed said instrument as his (their) free and voluntary act, and for the uses and purposes therein expressed.

WITNESS my hand and seal the day and year last above given.

Witness 1

Federal Republic of Germany

On _____, before us as a witness in and for the country aforesaid, appeared

Benno Kunz

to me personally known to be the same person(s) whose name(s) is (are) subscribed to the foregoing instrument, and acknowledged that he (they) executed said instrument as his (their) free and voluntary act, and for the uses and purposes therein expressed.

WITNESS my hand and seal the day and year last above given.

Witness 1

Witness 2

Federal Republic of Germany

On _____, before us as a witness in and for the country aforesaid, appeared

Stephanie Sträter

to me personally known to be the same person(s) whose name(s) is (are) subscribed to the foregoing instrument, and acknowledged that he (they) executed said instrument as his (their) free and voluntary act, and for the uses and purposes therein expressed.

WITNESS my hand and seal the day and year last above given.

Witness 1

Witness 2

Federal Republic of Germany

On _____, before us as a witness in and for the country aforesaid, appeared

Jenny Weissbrodt

to me personally known to be the same person(s) whose name(s) is (are) subscribed to the foregoing instrument, and acknowledged that he (they) executed said instrument as his (their) free and voluntary act, and for the uses and purposes therein expressed.

WITNESS my hand and seal the day and year last above given.

Witness 1

Witness 2

Federal Republic of Germany

On _____, before us as a witness in and for the country aforesaid, appeared

Hartmut Bollinger

to me personally known to be the same person(s) whose name(s) is (are) subscribed to the foregoing instrument, and acknowledged that he (they) executed said instrument as his (their) free and voluntary act, and for the uses and purposes therein expressed.

WITNESS my hand and seal the day and year last above given.

Witness 1

Federal Republic of Germany

On _____, before us as a witness in and for the country aforesaid, appeared

Hans-Georg Brendle

to me personally known to be the same person(s) whose name(s) is (are) subscribed to the foregoing instrument, and acknowledged that he (they) executed said instrument as his (their) free and voluntary act, and for the uses and purposes therein expressed.

WITNESS my hand and seal the day and year last above given.

Witness 1

Witness 2

Federal Republic of Germany

On _____, before us as a witness in and for the country aforesaid, appeared

Georg Bache

to me personally known to be the same person(s) whose name(s) is (are) subscribed to the foregoing instrument, and acknowledged that he (they) executed said instrument as his (their) free and voluntary act, and for the uses and purposes therein expressed.

WITNESS my hand and seal the day and year last above given.

Witness 1

Witness 2